

FAQs on Marital Separation Agreements

What Legal Assistance can do for you when counseling is not enough...

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Military life can place a lot of stress on a marriage. Couples experiencing marital difficulties are strongly encouraged to take advantage of the services available to the military community. For example, the Military & Family Life Consultant Program, Army Community Service (ACS), and military chaplains are all available to counsel and assist couples, free of charge. If you and your spouse have already tried counseling, and reconciliation is not an option, a separation agreement is a wise first-step towards an amicable divorce.

What can a separation agreement do?

Separation agreements are binding contracts between spouses. They can resolve matters relating to property division, marital debts, child custody, child support, and spousal support. Separation

agreements cannot bind third parties (such as banks or other creditors), and they will not "legitimize" adultery. Service members should be aware that extra-marital sexual conduct is still considered adultery under the UCMJ until a divorce is finalized. A separation agreement is not a "license" to commit adultery.

Are separation agreements required before a divorce?

No. But they can help spouses negotiate and resolve contentious issues. For some couples, this may mean issues are resolved months ahead of a finalized divorce. In addition, some states will incorporate the terms of the separation agreement into the divorce decree. Separation agreements can also prove advantageous when trying

to avoid "surprises" at a divorce hearing.



Where should I start?

Visit the Kaiserslautern Legal Services Center on Kleber Kaserne, Bldg. 3210, or call DSN: 483-8848 or Civilian 0631-411-8848 to schedule an appointment with a Legal Assistance Attorney. After a consultation, the attorney will give you a separation agreement worksheet to fill out and return to the office. It is important that you fill out the worksheet as completely as possible. Incomplete worksheets can cause unnecessary delays and added frustration. After you return the worksheet, a legal assistance attorney will

draft the agreement and schedule an appointment to go over the document with you, make appropriate changes, and execute the final copy of the agreement. By following these simple steps, you can be on your way to a legal separation.

Should my spouse come with me?

No. Although both parties to a separation agreement are entitled to see a legal assistance attorney, our rules of professional ethics preclude one legal assistance office from representing both parties. In other words, we can only see one spouse. The other spouse should seek advice and/or representation from one of the other Air Force or Army legal assistance offices in or near Kaiserslautern (e.g., Ramstein, Baumholder, or Mannheim).